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Robert D. Fish
RUTAN & TUCKER
611 Anton Blvd., 14th Floor
Costa Mesa, CA 92626

In re Application of:	:	
DONOHU, Bruce	:	DECISION
U.S. Application No.: 10/508,804	:	
PCT No.: PCT/US02/10117	:	
International Filing Date: 01 April 2002	:	
Priority Date: None	:	
Attorney's Docket No.: 100745.0015US	:	
For: BRANCHED SPIKE BIRD DETERRENT	:	

This Communication is issued in response to applicant's 30 March 2005 correspondence seeking a refund of \$315. This amount represents the difference between the \$365 small entity basic national fee filed by applicant on 22 September 2004 and the \$50 small entity basic national fee that would have been required had the International Preliminary Examination Report (IPER) mailed on 25 March 2005 been issued to prior to the date on which entry into the national stage was required. The refund request is **GRANTED**, as discussed below:

A review of the international application confirms that the IPER was mailed after the thirty month deadline for entry into the national stage, and that the IPER found all the claims herein to satisfy PCT Article 33(1)-(4). Had this IPER been issued prior to the date on which entry into the national stage was required, applicant would have been entitled to pay the reduced basic national fee of \$50, as set forth in 37 CFR 1.492(a)(4). Instead, applicant was required to pay the \$365 basic national fee set forth in 37 CFR 1.492(a)(1). Because the payment of the higher fee resulted from the failure of the IPER to be timely issued, a refund of the \$315 difference between the two fees is appropriate.

Deposit Account No. 50-2191 will be credited with the requested refund of \$315.

Richard M. Ross
PCT Petitions Attorney
Office Of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459